

REMARKS

Claims 1-20 are pending in the application. Claims 1, 9, and 18 are independent. By the foregoing Amendment, Applicants have amended claims 1, 9, and 18. These changes are believed to introduce no new matter and their entry is respectfully requested.

Objection to Claims 1-2 and 9

In the Office Action, the Examiner objected to claims 1-2 and 9 citing informalities. By the foregoing Amendment, Applicants have amended claims 1-2 and 9 to accommodate the Examiner. Accordingly, Applicants respectfully request that the Examiner reconsider and remove the objection to claims 1-2 and 9.

Rejection of Claims 1-5 and 18-20 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 1-5, 9-13, and 18-20 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,356,122 B2 to Sevalia et al. (hereinafter “*Sevalia*”). A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 *citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. *Id. citing Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)). Applicant respectfully traverses the rejection.

Amended claim 1 recites in pertinent part “an individual delay element comprising: at least one delay buffer to receive said reference clock and to generate a delayed reference clock, said reference clock having a falling edge, said delayed reference clock having a rising edge; ***a phase detector*** to determine whether said rising edge of said delayed reference clock is early or late with respect to said falling edge of said reference clock; ***a counter*** to increment if said rising edge of said delayed reference clock is early with respect to said falling edge of the reference clock and to decrement if said rising edge of said delayed reference clock is late with respect to said falling edge of said reference clock; and ***a digital-to-analog converter (DAC)*** coupled to receive an output from said counter, said DAC further to ***increase a bias*** applied to said delay buffer is if said rising edge of said delayed reference clock is early with respect to said falling edge of said reference clock” (emphasis added). Support for these changes according to an

embodiment of the present invention can be found in Applicants' Specification at Figure 6 and page 10.

Applicants respectfully submit that *Sevalia* fails to teach each and every element of recited in claim 1. For example, *Sevalia* fails to disclose a phase detector, a counter, and a DAC arranged in the manner recited in claim 1. Because *Sevalia* fails to teach these elements Applicants respectfully submit that claim 1 is patentable over *Sevalia*. Amended independent claim 18 recites similar elements ("a counter" and "increasing a bias applied to said delay element is if said rising edge of said delayed reference clock is early with respect to said falling edge of said reference clock"). As such, Applicants respectfully submit that independent claim 18 is patentable over *Sevalia* as well.

Claims 2-5 properly depend from claim 1 and claims 19-20 properly depend from claim 18, which applicants respectfully submit are patentable. Accordingly, Applicant respectfully submits that claims 2-5 and 19-20 are patentable as well. MPEP §2143.03 provides that if an independent claim is unobvious, then any claim depending from the independent claim is unobvious (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-5 and 18-20.

Rejection of Claims 9-13 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 9-13 under 35 U.S.C. §103(a) as being obvious over *Sevalia* in view of U.S. Patent No. 5,636,249 to Roither (hereinafter "*Roither*"). To establish a *prima facie* case of obviousness, an Examiner must show three things: (1) that there is some suggestion or motivation to modify a reference or combine reference teachings to arrive at the claimed invention, (2) that there must be a reasonable expectation of success, and (3) that the references teach or suggest each and every element of the claimed invention (MPEP §2143). Applicants respectfully traverse the rejection.

Amended claim 1 recites in pertinent part "an individual delay element comprising: at least one delay buffer to receive said reference clock and to generate a delayed reference clock, said reference clock having a falling edge, said delayed reference clock having a rising edge; *a*

phase detector to determine whether said rising edge of said delayed reference clock is early or late with respect to said falling edge of said reference clock; *a counter* to increment if said rising edge of said delayed reference clock is early with respect to said falling edge of the reference clock and to decrement if said rising edge of said delayed reference clock is late with respect to said falling edge of said reference clock; and *a digital-to-analog converter (DAC)* coupled to receive an output from said counter, said DAC further to *increase a bias* applied to said delay buffer is if said rising edge of said delayed reference clock is early with respect to said falling edge of said reference clock” (emphasis added). Support for these changes according to an embodiment of the present invention can be found in Applicants’ Specification at Figure 6 and page 10.

Applicants respectfully submit that *Sevalia* in view of *Roither* fails to teach each and every element of recited in claim 9. For example, *Sevalia* in view of *Roither* fails to disclose a phase detector, a counter, and a DAC arranged in the manner recited in claim 9. Because *Sevalia* in view of *Roither* fails to teach these elements Applicants respectfully submit that claim 9 is patentable over *Sevalia* in view of *Roither*.

Claims 10-13 properly depend from claim 9, which applicants respectfully submit are patentable. Accordingly, Applicant respectfully submits that claims 10-13 are patentable as well. (MPEP §2143.03) (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir.1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 9-13.

Rejection of Claim 6 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over *Sevalia* in view of *Roither* in further view of U.S. Patent No. 5,818,270 to Hamza (hereinafter “*Hamza*”). Applicants respectfully traverse the rejection.

Claim 6 properly depends from claims 1, which Applicants respectfully submit are patentable. Accordingly, Applicant respectfully submits that claim 6 is patentable for at least the same reasons that claim 1 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5

USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 6.

Rejection of Claims 7-8 Under 35 U.S.C. §103(a)

In of the Office Action, the Examiner rejected claims 7-8 under 35 U.S.C. §103(a) as being unpatentable over *Sevalia* in view of *Roither* in further view of U.S. Patent No. 5,977,837 to Byrn (hereinafter “Byrn”). Applicants respectfully traverse the rejection.

Claims 7-8 properly depend from claim 9, respectively, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 7-8 are patentable for at least the same reasons that claim 9 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 7-8.

Rejection of Claim 14 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 14 under 35 U.S.C. §103(a) as being unpatentable over *Sevalia* in view of *Roither* in further view of *Hamza*. Applicants respectfully traverse the rejection.

Claim 14 properly depends from claims 9, which Applicants respectfully submit are patentable. Accordingly, Applicant respectfully submits that claim 14 is patentable for at least the same reasons that claim 9 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 14.

Rejection of Claim 15 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 15 under 35 U.S.C. §103(a) as being unpatentable over *Sevalia* in view of *Roither* in further view of *Byrn*. Applicants respectfully traverse the rejection.

Claims 15 properly depend from claim 9, respectively, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claim 15 is patentable for

at least the same reasons that claim 9 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 15.

Rejection of Claims 16-17 Under 35 U.S.C. §103(a)

In paragraph 31 of the Office Action, the Examiner rejected claims 16-17 under 35 U.S.C. §103(a) as being unpatentable over *Sevalia* in view of *Roither* in further view of U.S. Patent No. 5,742,798 to Goldrain (hereinafter “*Goldrain*”). Applicants respectfully traverse the rejection.

Claims 16-17 properly depend from claim 9, respectively, which Applicants respectfully submit is patentable. Accordingly, Applicant respectfully submits that claims 16-17 are patentable for at least the same reasons that claim 9 is patentable. (MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988))). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 16-17.

CONCLUSION

Applicants submit that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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